MONTANA LEGISLATIVE HISTORY

Chapter 40 19 71

Bill H _____ S 104 Original bill & history ___C

H. Committee on Labor & Compensation

Hearing Date(s)		C
	2/10	C
		C
		C
Date Out	2/10	✓ C

S. Committee on Commerce & Labor

Hearing Date(s)		C
	1/27	✓ C
		C
	1/27	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

January 27, 1971

A meeting of the Seante Committee on Commerce and Labor was called to order on January 27, at 9:00 a. m. in Room 404 of the State Capitol Building. Chairman Siderius presided.

All members of the committee were present at this meeting.

There was a total of fifteen (15) bills to be considered at this meeting having to do with Workmen's Compensation, etc.
Proponents to this package of bills were:
Mr. Jim Carden - Industrial Accidents Board
Mr. Jim Murry - AFL-CIO - Member of Governor's Advisory Board
Mr. Chadwick H. Smith - Montana Hospital Association
Mr. Bob Rante
Mr. George Wood - Executive Secretary of the Montana Self-Insurers Association
Mr. Brown - Anaconda Company
Mr. Jack Marlow - Montana Contractors Association - Member of Governor's Advisory Board

CONSIDERATION OF SENATE BILL 104: SENATOR DZIVI, author of this bill, was unable to appear on behalf of this bill.
SENATOR BERTSCHE MOVED DO PASS on this bill. SECONDED BY SENATOR HAFFERMAN, CARRIED.

CONSIDERATION OF SENATE BILL 105: SENATOR DZIVI, author of this bill was unable to be present.
SENATOR HAFFERMAN MOVED DO PASS. SENATOR COCHRANE SECONDED MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 106: SENATOR SIDERIUS, AUTHOR of this bill, was present.
SENATOR COCHRANE MOVED DO PASS on SB 106. SECONDED BY SENATOR BENN CARRIED.

CONSIDERATION OF SENATE BILL 107: SENATOR SIDERIUS was author of this bill.
SENATOR BENNETT MOVED DO PASS. SENATOR BERTSCHE SECONDED MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 108: SENATOR DRAKE appeared before the committee as author of this bill.
SENATOR RUGG MOVED DO PASS. SENATOR BERTSCHE SECONDED THE MOTION. CARRIED.

CONSIDERATION OF SENATE BILL 109: SENATOR McKEON appeared before the committee as the author of this bill.
Opponents to this bill were:
Mr. Chadwick Smith - Montana Hospital Association
Mr. William Leary - Montana Hospital Association
Mr. Roland Fisher - Montana Hospital Association

We, your committee on..... COMMERCE AND LABOR

having had under consideration..... SENATE ..... Bill No. 104

92-1305

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 92-1305, R.C.M., 1947."

Respectfully report as follows: That SENATE Bill No. 104

DO PASS

February 10, 1971

LABOR AND COMPENSATION COMMITTEE PROCEEDINGS:

A meeting of the Labor and Compensation Committee was held on Wednesday, February 10, 1971, at 10:30 a.m. in Room 428A with Chairman East presiding. All members were present but Marbut.

SENATE BILL #67 -- SPONSOR: Senator Jean Turnage said this bill is an improvement of the old workmen's compensation law. This bill would allow a man to receive permanent partial disability settlement, and, if otherwise qualified he could still draw his earned compensation. He wouldn't have to give a lawyer 1/3 of the compensation.

PROPONENTS:

Jack Cardon, Chairman Industrial Accident Board, explained the bill a little more.

Charles Peterson, Chief of Benefits for ESC, said during 1970 34 cases were disqualified for unemployment compensation because of receiving IAB benefits. This amounted to 218 weeks and about $7,000.

Leonard Tudor, ESC, who does the actual investigations, said that with this "spread period" many overpayment problems arise. He gave an example of a person working for the U.S. Plywood Company in Browning.

*The above persons were here for advice and to explain the bill further.

SENATE BILL #105 -- SPONSOR: Senator Dzizi said that this bill is a step to recognize that we can't forecast what is a disease related to employment . This bill defines occupational disease as all diseases contracted and arising from employment. It requires medical proof by a physician.

SENATE BILL #104 -- SPONSOR: Senator Dzizi said this is a companion bill to 105 and just strikes the reference to definitions occuring in prior action.

Discussion followed.

Witnesses were excused.

Mr. Cardon explained the packet of Senate Bills presented to each committee member as a result of a two-year study by the Advisory Council for the Industrial Accident Board. All the bills prepared had 100% concurrence on the council's part. He said both labor and management's views both concurred with the bills.

Murphy moved that SENATE BILL #67 BE CONCURRED IN. Motion second and passed.

Murphy moved that SENATE BILL #104 BE CONCURRED IN. Motion secon and passed.

Wolf moved that SENATE BILL #105 BE CONCURRED IN. Motion seconde and carried.

The meeting was adjourned.

Vic East

VIC EAST, CHAIRMAN

Judy Pratt

JUDY PRATT, SECRETARY

(1) by refusing to hire, *(2)* by discharging, *(3)* by barring from employment, or *(4)* by discriminating against such person in compensation or in other terms or conditions of employment; and every person who denies to any other person because of race, creed, color, *sex,* or national origin the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, shall be guilty of a misdemeanor."

Approved February 20, 1971.

CHAPTER 40

An Act to Amend Section 92-1305, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 92-1305, R.C.M., 1947, is amended to read as follows:

Occupational diseases—employment.

"92-1305. **Proximate causation.** Occupational diseases shall be deemed to arise out of the employment only if:

Causal connection.

1. There is a direct causal connection between the conditions under which the work is performed and the occupational disease.

Natural incident—exposure.

2. The disease can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment.

Proximate cause.

3. The disease can be fairly traced to the employment as the proximate cause.

Outside hazard.

4. The disease does not come from a hazard to which workmen would have been equally exposed outside of the employment.

Incidental to employment.

5. The disease is incidental to the character of the business and not independent of the relation of employer and employee."

Approved February 20, 1971.

CHAPTER 41

An Act to Amend Section 92-1304, R.C.M., 1947, Defining Occupational Disease.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-1304, R.C.M., 1947, is amended to read as follows: Amending clause.

"92-1304. **Occupational disease.** *The term 'occupational disease' shall mean all diseases arising out of or contracted from and in the course of employment."* Occupational disease defined.

Approved February 20, 1971.

CHAPTER 42

An Act to Amend Section 75-6808, R.C.M. 1947, Relating to Pecuniary Interests of a Trustee in Schools of His District.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 75-6808, R.C.M. 1947, is amended to read as follows: Amending clause.

"75-6808. **Pecuniary interests, letting contracts and calling for bids, under certain circumstances.** It shall be unlawful for any trustee to *(1)* have any pecuniary interest, either directly or indirectly, in the erection of any school building, or for warming, ventilating, furnishing, or repairing the same, or *(2)* be in any manner connected with the furnishing of supplies for the maintenance and operation of the schools, *or (3) be employed in any capacity by the school district of which he is trustee.* Conflict of interests of trustees made unlawful.

The trustees of any district shall not let any contract for building, furnishing, repairing or other work for the benefit of the district, or purchasing supplies for the district, without first advertising in a newspaper that will give notice to the largest number of people of the district as determined by the trustees for at least two (2) weeks, calling for bids to perform such work or to furnish such supplies, except: (1) the trustees of a third-class district only maintaining elementary schools with fewer than three (3) rooms may contract for such work or supplies without advertising and without bids, when the amount involved is less than eight hundred dollars ($800); Mandatory advertising for bids prior to contract. Exceptions. $800.

(2) the trustees of a third-class district, other than those described in subsection (1), may contract for such